

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

JESSE PIERCE and MICHAEL :
PIERCE, on behalf of :
themselves and all others :
similarly situated, :
:
Plaintiffs, :
:
vs. : No. 3:13-cv-00641
:
WYNDHAM VACATION RESORTS, :
INC., and WYNDHAM VACATION: :
OWNERSHIP, INC., :
:
Defendants. :

DEPOSITION OF ANGELA WOODS
March 21, 2017

APPEARANCES:

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1 were at Wyndham?

2 A. No.

3 Q. Your manager, Connie McLaughlin, did she
4 ever talk to you about timekeeping policies or
5 practices?

6 A. No.

7 Q. Did anybody ever talk to you about
8 timekeeping practices or policies?

9 A. No.

10 Q. Did anybody ever tell you about how many
11 hours you should be working a week?

12 A. Not as far as management. I did ask
13 questions, because managers would come around and show
14 us papers that we -- you know, they would say, "Do you
15 see what you did yesterday?" or "Do you see what you've
16 done this morning? You're going to have to start
17 watching your hours."

18 Q. Who told you that?

19 A. Our manager, Connie, she would be the one
20 that would show me mine. Just us talking amongst
21 ourselves and listening to some of the older employees,
22 we learned that we were not to go over 40 hours. And I
23 did have to watch my time really closely, because my --
24 the tours that I would get would be later in the
25 afternoon, so if I clocked in in the morning, I had to



1 make sure that if I got a tour that afternoon, I would
2 have to clock out before sometimes I would take a tour
3 or I would run over at the end of the week. I did learn
4 that I had to keep watching my hours during the day.

5 Q. When was it that Connie McLaughlin said
6 you needed to start watching your hours?

7 A. This didn't just happen one day a week or
8 a specific time during the day. It happened numerous
9 times throughout the week.

10 Q. Every week?

11 A. Every week.

12 Q. Was she speaking to you individually or to
13 you in a group?

14 A. No. She would come to you individually,
15 not only her but other managers as well, but, like I
16 said, my manager would come to me and let me know I
17 needed to watch my hours. Like Wednesday, Thursday
18 would be good days that they would start telling people
19 they need to start watching their hours.

20 Q. Why was that?

21 A. Toward the end of the -- I think our pay
22 period -- I can't remember if it ended on Thursday or
23 Friday, but we knew not to go over -- Connie never come
24 out and told me that I couldn't go over 40 hours, but
25 knowing that she's telling you you need to watch your



1 hours, you knew that -- why would you have to watch your
2 hours if you wasn't supposed to be going over 40?

3 Q. So, I take it, then that no manager ever
4 told you that you could not work over 40 hours a week;
5 is that right?

6 A. We could stay there and work as long as we
7 wanted to. You know, like me, I didn't get my tours
8 until the evening, because, obviously, they are going to
9 give somebody that sold the tour the morning. I didn't
10 get my tours until the afternoon, so I could stay as
11 long as I wanted, I just --

12 Q. So in other words -- go ahead, finish your
13 answer.

14 A. I could work as long as I wanted to, but
15 my timecard could not say over 40.

16 Q. Who told you that your timecard couldn't
17 show over 40?

18 A. That is why she was telling us to watch
19 our hours. We had to make sure that what we punched was
20 not going over 40 hours.

21 Q. But if Connie didn't tell you that your
22 timecard shouldn't show over 40 hours, who did tell you
23 that?

24 A. Well, it was just -- like I said, it was
25 among -- because when I first started and they would --



1 I was used to going into a job, you clock in, you clock
2 out, 40 hours, that was it. I had never been -- I had
3 never had somebody come to me and say, "You need watch
4 your hours, you have worked eight hours yesterday or you
5 you're going to ten hours today, you had ten hours
6 today, eight yesterday, and then today you're going to
7 have 11." I kind of wondered what was going on, but
8 this was going on when I actually first came to the
9 Wilderness. It didn't just start when our group got
10 there. So just among everybody else, we heard, you
11 know, they are not going to pay you over 40 hours.

12 Q. So you heard that from coworkers?

13 A. Yes.

14 Q. You didn't hear that from management, did
15 you?

16 A. Right.

17 Q. Which of your coworkers or other sales
18 representatives told you that you could not work over 40
19 hours?

20 A. I can't give you a name, and I can't
21 remember, but why would my manager tell me to watch my
22 hours if I wasn't supposed to go over 40 hours?

23 Q. Did you ask her?

24 A. No, I did not, and, you know, now I see
25 that I should have.



1 that's two weeks. But that's not what's covered in this
2 earning statement, Exhibit 14.

3 MS. O'NEAL: I'm going to object. That
4 calls for speculation. She's already
5 testified she doesn't know when exactly her
6 training began, but you can answer the
7 question.

8 THE WITNESS: I don't remember.

9 BY MR. MORGAN:

10 Q. So you don't know whether this overtime
11 payment in Exhibit 14 resulted from training or from
12 just working ten hours of overtime as a front line
13 salesperson; is that right?

14 A. I do not remember, and that could have
15 been why she told me to watch my hours.

16 Q. So from that time on, you did not work
17 beyond 40 hours a week; is that right?

18 MS. O'NEAL: Objection. Mischaracterizes
19 prior testimony. She said she did not record
20 more than 40 hours. She did not say she did
21 not work --

22 MR. MORGAN: I wasn't talking about
23 recorded.

24 BY MR. MORGAN:

25 Q. Well, did you work more than 40 hours a



1 week after Ms. McLaughlin told you to watch your hours?

2 A. Yes, I did.

3 Q. You did? Okay. When did you work more
4 than 40 hours a week?

5 A. Every week. I was there more than 40
6 hours every week.

7 Q. When you started at Wyndham, was there a
8 time clock?

9 A. Yes.

10 Q. I mean, they had a time clock?

11 A. Yes.

12 Q. And you were supposed to clock in and out?

13 A. Yes, we did.

14 Q. And did you clock in and out yourself?

15 A. Yes.

16 Q. When did you typically clock in at the
17 start of the day?

18 A. Before we started our training, we clocked
19 in that morning, and then we clocked out that afternoon.
20 I think we had to clock out for lunch then as well.

21 Q. During training?

22 A. Yes.

23 Q. And then after lunch, you would clock back
24 in?

25 A. Yes.



1 that those sales representatives left to go home?

2 A. No.

3 Q. Did some of the sales representatives
4 leave as early as, say, between 2:00 and 3:00 in the
5 afternoon?

6 A. I have no idea. I wouldn't think they
7 left that early, but I don't know for sure.

8 Q. Can you give me a percentage of the number
9 of sales representatives who left before the evening
10 hours?

11 A. When I left in the evening, there was
12 still people there, not as many people as in the day,
13 but you are saying 2:00 and 3:00. There were still
14 several people there at that time during that day. Now,
15 in the evening when I left, people were gone, but --

16 Q. Would you say 25 percent of the sales
17 representatives had already left at --

18 A. At 6:00 at night?

19 Q. Yes.

20 A. I don't know, because some days there
21 might be more people there than other days. There
22 wasn't like the same people there every day as I was
23 leaving. Just like I'm sure I wasn't there some of the
24 days that other people were leaving. So I can't tell
25 you. I don't know.

